

REMARKS

This Amendment is being filed in response to the Final Office Action mailed March 26, 2008, which has been reviewed and carefully considered. By means of the present amendment, claims 2-3 and 8 have been canceled without prejudice and their features included in independent claims 1, 7 and 9. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

Claims 1, 4-7 and 9 remain in the Application, where claims 1, 7 and 9 are independent.

By means of the present amendment, claims 4-7 and 9 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 4-7 and 9 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Final Office Action, claims 1-9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,118,739 (Kishinami). It is respectfully submitted that claims 1, 4-7 and 9 are patentable over Kishinami for at least the following

reasons.

At the outset, it is noted that Kishinami has 26 figures and 32 columns of text qualifying this patent as "complex". Therefore pursuant to 37 CFR 1.104, the Examiner must indicate how the reference is being applied. The indicated section of Kishinami, namely, FIGs 1A, 10 and column 2, lines 37-58, cited in rejecting claim 1; FIGs 4A, element 96 PID and column 10, lines 9-17, cited in rejecting claim 2; and FIGs 11 and 16B cited in rejecting claim 1, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 7 and 9 which, amongst other patentable features, recites (illustrative emphasis provided):

a PID operator for the tracking of a beam on the track, said PID operator comprising an I operator, wherein said eccentricity measurer takes account of the signal at the output of the I operator; and

a peak/bottom detector **at the output of the I operator.**

These features are nowhere disclosed or suggested in Kishinami. Kishinami lumps all outputs of the PID filters into a single output and does not disclose or suggest connecting the particular output of the I operator to a peak/bottom detector. Kishinami does not even disclose or suggest a peak/bottom detector,

let alone disclosing having such a peak/bottom detector at the output of the I operator, as recited in independent claims 1, 7 and 9.

Accordingly, it is respectfully submitted that independent claims 1, 7 and 9 should be allowable. In additions, claims 4-6 should be allowable at least based on their dependence from independent claim 1.


In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to

Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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